

LUKE W. COLE (SBN 145505)  
luke@igc.org  
BRENT NEWELL (SBN 210312)  
brent@igc.org  
CENTER ON RACE, POVERTY &  
THE ENVIRONMENT  
47 Kearny Street, Suite 804  
San Francisco, CA 94108  
Telephone: (415) 346-4179  
Facsimile: (415) 346-8723

MATTHEW F. PAWA (*Pro hac vice*)  
mp@pawalaw.com  
LAW OFFICES OF MATTHEW F. PAWA, P.C.  
1280 Centre Street, Suite 230  
Newton Centre, MA 02459  
Telephone: (617) 641-9550  
Facsimile: (617) 641-9551

Attorneys for Plaintiffs  
NATIVE VILLAGE OF KIVALINA and CITY OF  
KIVALINA

RONALD L. OLSON (SBN 44597)  
Ronald.Olson@mto.com  
DANIEL P. COLLINS (SBN 139164)  
Daniel.Collins@mto.com  
MUNGER, TOLLES & OLSON LLP  
355 South Grand Avenue, 35th Floor  
Los Angeles, CA 90071-1560  
Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

Attorneys for Defendant  
SHELL OIL COMPANY

[*Counsel Listing Continued on Next Three Pages*]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NATIVE VILLAGE OF KIVALINA and CITY  
OF KIVALINA,

Plaintiffs,

vs.

EXXON MOBIL CORPORATION, *et al.*,

Defendants.

CASE NO. C 08-01138 SBA

**ORDER RE: CASE  
MANAGEMENT CONFERENCE**

HEATHER KENDALL MILLER (*Pro hac vice*)  
kendall@narf.org  
NATIVE AMERICAN RIGHTS FUND  
420 L Street, Suite 505  
Anchorage, AK 99515  
907-276-0680  
Fax: 907-276-2466

STEVE W. BERMAN (*Pro hac vice*)  
steve@hbsslw.com  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
Telephone: (206) 623-7292  
Facsimile: (206) 623-0594

REED R. KATHREIN (SBN 139304)  
Email: reed@hbsslw.com  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
(510) 725-3000  
Fax: (510) 725-3001

GARY E. MASON (*Pro hac vice*)  
Email: gmason@masonlawdc.com  
THE MASON LAW FIRM, LLP  
1225 19th Street, NW  
Suite 500  
Washington, DC 20036  
202-429-2290  
Fax: 202-429-2294

Attorneys for Plaintiffs NATIVE VILLAGE OF KIVALINA and CITY OF KIVALINA

MATTHEW HEARTNEY (SBN 123516)  
Matthew.Heartney@aporter.com  
ARNOLD & PORTER LLP  
777 S. Figueroa Street, 44th Floor  
Los Angeles, CA 90017-5844  
Telephone: (213) 243-4150  
Facsimile: (213) 243-4199

PHILIP H. CURTIS (*Pro hac vice* pending)  
Philip.Curtis@aporter.com  
MICHAEL B. GERRARD (*Pro hac vice* pending)  
Michael.Gerrard@aporter.com  
ARNOLD & PORTER LLP  
399 Park Avenue  
New York, New York 10022  
Telephone: (212) 715-1000  
Facsimile: (212) 715-1399

Attorneys for Defendants BP AMERICA, INC.,  
AND BP PRODUCTS NORTH AMERICA, INC.

DENNIS J. REICH (*Pro hac vice*)  
Email: dreich@reichandbinstock.com  
REICH & BINSTOCK, LLP  
4265 San Felipe Blvd., Suite 1000  
Houston, TX 77027  
713-622-7271  
Fax: 713-623-8724

CHRISTOPHER A. SEEGER (*Pro hac vice*)  
Email: cseeger@seegerweiss.com  
STEPHEN A. WEISS (*Pro hac vice*)  
Email: sweiss@seegerweiss.com  
SEEGER WEISS LLP  
One William Street  
New York, NY 10004  
212-584-0700  
Fax: 212-584-0799

STEPHEN D. SUSMAN (*Pro hac vice*)  
Email: ssusman@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street  
Suite 5100  
Houston, TX 77002  
713-651-9366  
Fax: 713-654-6666

SAMUEL R. MILLER (SBN 66871)  
srmler@sidley.com  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400

DAVID T. BUENTE, JR. (*Pro hac vice*)  
dbuente@sidley.com  
JOSEPH R. GUERRA (*Pro hac vice*)  
jguerra@sidley.com  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 736-8000  
Facsimile: (202) 736-8711

Attorneys for Defendants AMERICAN  
ELECTRIC POWER COMPANY,  
AMERICAN ELECTRIC POWER  
SERVICE CORP., AND DUKE ENERGY  
CORP.

1 TRACIE J. RENFROE (*Pro hac vice*)  
 trenfroe@kslaw.com  
 2 JONATHAN L. MARSH (*Pro hac vice*)  
 jmarsh@kslaw.com  
 3 ROBERT MEADOWS (*Pro hac vice*)  
 rmeadows@kslaw.com  
 4 KING & SPALDING LLP  
 1100 Louisiana Street, Suite 4000  
 5 Houston, TX 77002-5213  
 Telephone: (713) 751-3200  
 6 Facsimile: (713) 751-3290

7 LISA KOBIALKA (SBN 191404)  
 lkobialka@kslaw.com  
 8 KING & SPALDING LLP  
 1000 Bridge parkway, Suite 100  
 9 Redwood City, CA 94065  
 Telephone: (650) 590-0700  
 10 Facsimile: (650) 590-1900

11 Attorneys for Defendants  
 CHEVRON CORPORATION and  
 CHEVRON U.S.A. INC.

12 JOHN F. DAUM (SBN 52313)  
 jdaum@omm.com  
 13 JONATHAN D. HACKER (*Pro hac vice*)  
 jhacker@omm.com  
 14 O'MELVENY & MYERS LLP  
 400 South Hope Street  
 15 Los Angeles, CA 90071-2899  
 Telephone: (213) 430-6111  
 16 Facsimile: (213) 430-6407

17 Attorneys for Defendant  
 18 EXXON MOBIL CORPORATION

19 JEFFREY A. LAMKEN (SBN 154217)  
 jeffrey.lamken@bakerbotts.com  
 20 JEREMY LEVIN (SBN 210577)  
 jeremy.levin@bakerbotts.com  
 21 BAKER BOTTS LLP  
 The Warner  
 1299 Pennsylvania Ave., N.W.  
 22 Washington, DC 20004-2400  
 Telephone: (202) 639-7700  
 23 Facsimile: (202) 639-7890  
 24 Attorneys for Defendants  
 DYNEGY HOLDINGS, INC., NRG ENERGY,  
 25 INC. and RELIANT ENERGY, INC.

STUART A. C. DRAKE (*Pro hac vice*)  
 sdrake@kirkland.com  
 ANDREW CLUBOK (*Pro hac vice*)  
 aclubok@kirkland.com  
 SUSAN E. ENGEL (*Pro hac vice*)  
 seengel@kirkland.com  
 KIRKLAND & ELLIS LLP  
 655 Fifteenth Street, N.W.  
 Washington, D.C. 20005  
 Telephone: (202) 879-5173  
 Facsimile: (202) 879-5200

ELIZABETH DEELEY (SBN 230798)  
 edeeley@kirkland.com  
 KIRKLAND & ELLIS LLP  
 555 California Street  
 San Francisco, CA 94104  
 Telephone: (415) 439-1861  
 Facsimile: (415) 439-1500

Attorneys for Defendant  
 CONOCOPHILLIPS COMPANY

JEROME C. ROTH (SBN 159483)  
 Jerome.Roth@mto.com  
 MUNGER, TOLLES & OLSON LLP  
 560 Mission Street  
 San Francisco, CA 94105-2907  
 Telephone: (415) 512-4000  
 Facsimile: (415) 512-4077

Attorneys for Defendant  
 SHELL OIL COMPANY

RICHARD K. WELSH (SBN 208825)  
 welshr@gtlaw.com  
 SCOTT BERTZYK (SBN 116449)  
 bertzyks@gtlaw.com  
 FELIX LEBRON (SBN 232984)  
 lebronf@gtlaw.com  
 KAMRAN SALOUR (SBN 247983)  
 salourk@gtlaw.com  
 GREENBERG TRAURIG LLP  
 2450 Colorado Avenue, Suite 400E  
 Santa Monica, CA 90404  
 Telephone: (310) 586-7700  
 Facsimile: (310) 586-7800

Attorneys for Defendant The AES  
 CORPORATION

1 BELYNDA B. RECK (SBN 163561)  
breck@hunton.com  
2 HUNTON & WILLIAMS LLP  
550 South Hope Street, Suite 2000  
3 Los Angeles, CA 90071-2627  
Telephone: (213) 532-2000  
4 Facsimile: (213) 532-2020

5 F. WILLIAM BROWNELL (*Pro hac vice*)  
bbrownell@hunton.com  
6 NORMAN W. FICHTHORN (*Pro hac vice*)  
nfichthorn@hunton.com  
7 ALLISON D. WOOD (*Pro hac vice*)  
awood@hunton.com  
8 HUNTON & WILLIAMS LLP  
1900 K Street, N.W.  
9 Washington, D.C. 20006-1109  
Telephone: (202) 955-1500  
10 Facsimile: (202) 778-2201

11 SHAWN PATRICK REGAN (*Pro hac vice*)  
sregan@hunton.com  
12 HUNTON & WILLIAMS LLP  
200 Park Avenue  
13 New York, NY 10166-0136  
Telephone: (212) 309-1000  
14 Facsimile: (212) 309-1100

15 Attorneys for Defendants DTE ENERGY  
COMPANY, EDISON INTERNATIONAL,  
16 MIDAMERICAN ENERGY HOLDINGS  
COMPANY, PINNACLE WEST CAPITAL  
CORP., AND THE SOUTHERN COMPANY

17 KATHLEEN TAYLOR SOOY (*Pro hac vice*)  
ksooy@crowell.com  
18 SCOTT L. WINKELMAN (*Pro hac vice*)  
swinkelman@crowell.com  
19 TRACY A. ROMAN (*Pro hac vice*)  
troman@crowell.com  
20 CROWELL & MORING LLP  
1001 Pennsylvania Ave., N.W.  
21 Washington, D.C. 20004-2595  
Telephone: 202-624-2500  
22 Facsimile: 202-628-5116

23 STEVEN P. RICE (SBN 94321)  
srice@crowell.com  
24 CROWELL & MORING LLP  
3 Park Plaza  
25 Irvine, CA 92614  
Telephone: 949-798-1310  
26 Facsimile: 949-263-8414

27 Attorneys for Defendant PEABODY ENERGY  
CORPORATION  
28

THOMAS A. RECTOR (SBN 199173)  
tarector@jonesday.com  
JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94104  
Telephone: 415-626-3939  
Facsimile: 415-875-5700

THOMAS E. FENNELL (*Pro hac vice*)  
tefennell@jonesday.com  
MICHAEL L. RICE (*Pro hac vice*)  
mlrice@jonesday.com  
JONES DAY  
2727 N. Harwood Street  
Dallas, TX 75201  
Telephone: 214-220-3939  
Facsimile: 214-969-5100

KEVIN P. HOLEWINSKI (*Pro hac vice*)  
kpholewinski@jonesday.com  
JONES DAY  
41 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Telephone: 202-879-3939  
Facsimile: 202-626-1700

Attorneys for Defendant XCEL ENERGY  
INC.

ROBERT B. PRINGLE (SBN 051365)  
rbpringle@thelen.com  
LAURA A. GUILLEN (SBN 248874)  
laguillen@thelen.com  
THELEN REID BROWN RAYSMAN  
& STEINER LLP  
101 Second Street, Suite 1800  
San Francisco, CA 94105  
Telephone: (415) 371-1200  
Facsimile: (415) 371-1211

KEVIN A. GAYNOR (*Pro hac vice*)  
kgaynor@velaw.com  
BENJAMIN S. LIPPARD (*Pro hac vice*)  
blippard@velaw.com  
VINSON & ELKINS LLP  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-1008  
Telephone: (202) 639-6500  
Facsimile: (202) 639-6604

Attorneys for Defendant MIRANT CORP.

1 Pursuant to the Stipulation of the Plaintiffs and of Defendants ExxonMobil Corporation;  
2 BP America, Inc.; BP Products North America, Inc.; Chevron Corporation; Chevron U.S.A., Inc.;  
3 ConocoPhillips Company; Shell Oil Company; The AES Corporation; American Electric Power  
4 Company, Inc.; American Electric Power Service Corporation; Duke Energy Corporation; DTE  
5 Energy Company; Edison International; MidAmerican Energy Holdings Company; Pinnacle West  
6 Capital Corporation; The Southern Company; Dynegy Holdings, Inc.; NRG Energy; Reliant  
7 Energy, Inc.; Mirant Corporation; Peabody Energy Corporation; and Xcel Energy Inc.  
8 (“Defendants”), and FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED:

9 1. All dates established in the “Order Setting Initial Case Management Conference  
10 and ADR Deadlines,” filed in this case on February 26, 2008, are vacated.

11 2. The Initial Case Management Conference provided for by Local R. 16-2, all  
12 disclosures by both sides pursuant to Fed. R. Civ. P. 26(a), and the ADR Certifications provided  
13 for by Local R. 16-8 should be deferred, insofar as they involve any given Defendant, until the  
14 Court has issued a ruling upon all motions under Fed. R. Civ. P. 12(b) with respect to such  
15 Defendant.

16 3. On or before May 28, 2008, Plaintiffs and Defendants will submit to the Court  
17 their proposals for the schedule and format of any motions under Fed. R. Civ. P. 12(b), either in  
18 the form of a stipulation under Local R. 7-12 or administrative motions under Local R. 7-11. In  
19 contemplation of this submission, and in accordance with this Court’s Standing Order,  
20 Defendants and Plaintiffs shall meet and confer telephonically, on or before May 16, 2008, to  
21 discuss the number, bases, and format of any anticipated motions by any Defendant or  
22 Defendants under Fed. R. Civ. P. 12(b).


23 4. In the event that a party concludes that the deferral in paragraph 2 should be  
24 terminated, and a new schedule set for the matters addressed therein, such party shall so notify in  
25 writing all other parties who have appeared in the action. Any party that opposes termination of  
26 the deferral in paragraph 2 above must file an appropriate motion under Local R. 7-1 within 35

27 ///

28 ///

1 days of receiving such written notice. Pending the Court's resolution of any such motion, the  
2 matters described in paragraph 2 above shall continue to be deferred.

3 DATED: May 15, 2008

4  
5 By:   
6 The Hon. Sandra B. Armstrong  
7 United States District Judge  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28